

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 276

RULES GOVERNING STANDARDS FOR ARCHAEOLOGICAL INVENTORY

SURVEYS AND REPORTS

§13-276-1	Policy and purpose
§13-276-2	Definitions
§13-276-3	Archaeological inventory survey, generally
§13-276-4	Archaeological field survey
§13-276-5	Archaeological inventory survey report
§13-276-6	Site marking
§13-276-7	Final disposition of collections
§13-276-8	Significance assessments
§13-276-9	Penalty

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§13-276-1 Policy and purpose. This chapter establishes standards for archaeological inventory surveys and reports required by chapters 13-275 and 13-284 for the historic preservation review process. [Eff:]
(Auth: HRS §§6E-1, 6E-3, 6E-7, 6E-8; §§13-275, 13-284) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)

§13-276-2 Definitions. As used in this chapter unless the context requires otherwise:

"Ahupua`a" means a traditional Hawaiian land division usually extending from the mountain to the sea.

"Archaeological inventory survey" means the process of identifying and documenting the archaeological historic properties and burial sites in a delineated area, gathering sufficient information to evaluate significance of the historic properties and burial sites, and compiling the information into a written report for review and acceptance by the department.

"Burial site" means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods if any, are interred, and its immediate surrounding archaeological context, including any associated surface or subsurface features, deemed a unique class of historic property, and not otherwise included in section 6E-41, HRS.

"Consultation process" means notifying interested organizations and individuals that a project could affect historic properties of interest to them; seeking their views on the identification, significance evaluations, and mitigation treatment of these properties; and considering their views in a good faith and appropriate manner during the review process.

"Cultural significance" means a historic property is of value to an ethnic group in the State due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts--these associations being important to the group's history and cultural identity.

"Department" or "DLNR" means the state department of land and natural resources.

"Historic preservation review process" means the process specified in chapters 13-275 and 13-284, used to comply with sections 6E-7, 6E-8 and 6E-42, HRS.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"Person" means any individual, firm, association, agency, organization, partnership, estate, trust, corporation, company, or governmental unit that is proposing a project.

"Project" means any activity directly undertaken by the State or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the State or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the State or its political subdivisions.

"Project area" means the area the proposed project may potentially affect, either directly or indirectly. It includes not only the area where the project will take place, but also the proposed project's area of potential effect.

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources. [Eff:] (Auth: HRS §§6E-2, 6E-3, 6E-7, 6E-8, 6E-42) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-276-3 Archaeological inventory survey, generally. An archeological inventory survey shall:

- (1) Determine if archaeological historic properties are present in the project area and, if so, identify all such historic properties.
- (2) Gather sufficient information to evaluate each historic property's significance in accordance with the significance criteria listed in section 13-275-6(b). [Eff:] (Auth: HRS §§6E-3, 6E-8) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)

§13-276-4 Archaeological field survey. (a) Portions of the project area that have no adequate inventory survey reports prepared for them shall undergo archaeological inventory survey to determine whether archaeological historic properties are present and, if so, to establish their nature and locations.

(b) Sand dunes, urban fill and other areas which have no visible historic properties, shall be evaluated to determine whether subsurface historic properties are present. This evaluation shall include findings of test excavations or a conclusion, with supportive documentation, that historic properties are not anticipated to be present.

(c) Historic properties, or features of properties, that have several possible alternative functions based on surface examination shall be test excavated to provide additional information that might help to resolve the question of property or feature function. Recordation of such excavations and any necessary laboratory analysis of recovered materials shall be

undertaken as part of the archaeological inventory survey. If human skeletal remains are found, they shall not be disturbed, excavations shall be backfilled, and SHPD notified. Archaeological historic properties, or features of properties, that are highly probable to be burials based on surface examination shall not undergo test excavation. [Eff:]
(Auth: HRS §§6E-3, 6E-7, 6E-8; §§13-275, 13-284) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)

§13-276-5 Archaeological inventory survey report. (a) An archaeological inventory survey report shall be prepared to record and synthesize the data gathered from background research, field survey and consultation process with knowledgeable individuals. The report shall include:

- (1) Identification of the survey area:
 - (A) On a 1:24000 scale United States Geological Survey quadrangle map, or on a portion or an enlargement of a portion of this map; and
 - (B) In the text, stating the island, district and ahupua`a of the area and the tax map key (TMK) and acreage of the parcel.
- (2) Identification of the owner(s) of the parcel; and
- (3) A description of the parcel's environment, to include:
 - (A) Topographic data (including general elevations, distance inland, and general terrain patterns);
 - (B) Vegetation data;
 - (C) Soil data; and
 - (D) Rainfall information.

(b) The report shall contain a section on historic background research which shall be used to predict the kinds and distributions of historic properties that might still be present and to provide a context for understanding and evaluating the significance of any historic properties that are found. The historic background section of the report shall:

- (1) Present findings on land use and site patterns for the ahupua`a and parcel for:
 - (A) Prehistoric and early historic times, as revealed by any eighteenth or nineteenth century literature on Hawaii;
 - (B) 1848-1851 times, as indicated by LCA awards; and
 - (C) Post-1850 times as revealed in later literature or through oral history.

- (2) Provide a summary of documents and materials reviewed during the research; and
- (3) Indicate:
 - (A) Whether any land commission awards were granted within the parcel and within the ahupua`a in which the parcel is located; and
 - (B) If awards were granted, specify the number of these awards, their LCA number, the use of each plot or apana awarded, and locate the awards on a map.

(c) The report shall contain a section on archaeological background research which shall include a review of whether any prior archaeological studies have occurred in the parcel and in the ahupua`a in which the parcel is located. At a minimum, the SHPD library shall be consulted for prior studies. If no studies exist, the archaeological inventory survey report shall so state this fact. If studies exist, the findings shall be reviewed. This review shall include:

- (1) A list of these studies, with report references;
- (2) The areal extent of the survey coverage indicated on a map;
- (3) Whether the prior studies were accepted by the SHPD as adequate inventory surveys;
- (4) A summary of the functional types of archaeological sites found (if any), and their numbers and distributions;
- (5) Dating (if any has been done); and
- (6) A summary of past land use patterns for the ahupua`a and project area, reconciling as needed those patterns identified in the historical background section of the report with the existing archaeological information. Alternatively, just one summary for both the historical and archaeological background research can be presented.

(d) The report shall contain a section on survey methods used in the archaeological field survey which shall include:

- (1) The number of field personnel, with the names and degrees of the principal investigator and field director;
- (2) When the survey was performed and the duration of time for the survey;
- (3) The extent of survey coverage. If the coverage was less than one hundred percent, the rationale for the sample (the sampling design) must be presented in a careful discussion. Sampling designs which included analysis of possible subsurface sites under sand dunes, urban fill, and other areas must also be presented here.

- (4) The techniques used to identify archaeological sites (transects, sweeps, test excavations, augering, etc.);
 - (5) The extent of historic property recording (mapping, measuring, photographing, test excavations) and the techniques used, with the rationale for these techniques given; and
 - (6) The method used to plot site location.
- (e) The report shall contain a section on its archaeological field survey findings. Each archaeological site found shall be individually described as follows:
- (1) A State site number and any previous numbers;
 - (2) A reference to a previous study, if the site has been previously recorded;
 - (3) The site's formal type (e.g., C-shaped enclosure, platform, enclosure, wall, paving, etc.). If it has several major features, then each of these should be noted (e.g., 3 C-shaped enclosures, 1 platform, 4 stone cairns).
 - (4) A description of each site, to include:
 - (A) Size, horizontal extent;
 - (B) The major feature(s)'s shape, area, with representative architectural heights and widths, etc. (in metrics);
 - (C) The presence or absence of surface remains (artifacts, midden, debris, etc.), and if present, the general nature of these remains and their density and distribution;
 - (D) The presence or absence of any subsurface deposits, and if present, an assessment of the general depth and nature of the deposits. If test excavations, augering, etc. occurred, these results must be presented here and shall include stratigraphic information with:
 - (i) standard soil descriptions (with Munsell colors);
 - (ii) Line-drawn profiles, to scale, of all test excavations through surface architecture or of all test excavations with subsurface features visible in the excavation side walls; and
 - (iii) Representative line-drawn profiles, to scale, of test excavations not through surface architecture or where no subsurface features are visible in the excavation side walls.
 - (E) Photographs, illustrations, or both;
 - (F) Drafted plan map, at a minimum a sketch to scale, which shall include a bar scale, north arrow, and indicate method used (e.g., tape and pocket transit; transit,

stadia rod, and tape; tape and compass; visual estimate; etc.);

- (G) The condition of the site.
- (H) An assessment of site function, with reasonable and adequate supportive arguments, and with habitation sites minimally differentiated into permanent habitation and temporary habitation functions; and
- (I) An assessment of site age, with absolute dating results when available.

(f) The report shall document any previous land disturbances (bulldozing, grubbing by machine, sugarcane cultivation) identified during the survey.

(g) The report shall contain a summary of the findings, to include, but not be restricted to:

- (1) Total number of archaeological sites found;
- (2) A map(s) locating all the archaeological sites found and, if practical, their boundaries, with at least one site location map being a portion of the relevant United States Geological Survey standard 1:24,000 topographic map;
- (3) A table presenting the sites with their State number, formal type, and possible function listed;
- (4) If multiple archaeological sites within a major functional type (such as religious, burial, permanent habitation, and temporary habitation site types) are found, summaries of each type shall occur;
- (5) a re-evaluation of ideas on the history of land use in the ahupua`a and the parcel; and
- (6) In cases where more than five sites are present within a major functional type, the summary of the functional type shall include:
 - (A) A table which itemizes for each site and its relevant constituent structures the key variables used to determine the function (e.g., form, area); and
 - (B) A map showing the distribution of the sites within that functional type.

(h) For projects larger than thirty acres in size, the report shall contain an appendix on the consultation process with individuals knowledgeable about the project area's history. This consultation process shall occur during or immediately after the conclusion of the archaeological field survey.

- (1) This appendix shall include:
 - (A) Personnel conducting the consultation process, with names and degrees;

- (B) Knowledgeable persons consulted; and
 - (C) A summary as to whether additional archaeological historic properties were identified during the consultation process, and whether additional information on archaeological site function was obtained during the consultation process;
- (2) Should additional information on site function be obtained, that information shall be presented in the site description portion of the report.
 - (3) Consult SHPD guidelines on ethnographic surveys and reports for assistance in preparing findings from the consultation process. [Eff:] (Auth: HRS §§6E-3, 6E-7, 6E-8) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)

§13-276-6 Site marker. Permanent numbered markers shall be attached to all archaeological historic properties found. Temporary field numbers may be used, but they shall be replaced by markers using official state numbers assigned by SHPD. [Eff:] (Auth: HRS §§6E-3, 6E-7, 6E-8) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)

§13-276-7 Final disposition of collections. (a) All collections, excluding human remains, from public lands shall be placed in an acceptable archive to be designated by the SHPD. Arrangements shall be made with private landowners on the disposition of collections from their lands. If private landowners request archiving of material, then the archive shall be determined in consultation with the SHPD.

(b) In the event human skeletal remains are recovered during survey, final treatment of any such remains and associated grave goods shall follow the procedures of 6E-43, H.R.S. [Eff:] (Auth: HRS §§6E-3, 6E-6, 6E-7, 6E-8, 6E-43) (Imp: HRS §§6E-1, 6E-3, 6E-6, 6E-7, 6E-8, 6E-43)

§13-276-8 Significance assessments. Significance evaluations are not part of the identification and inventory phase of historic preservation review. They can be included in the survey report, but they shall be a separate section of the report, which shall be labeled "Significance Assessments". [Eff:] (Auth: HRS §§6E-3,

6E-7, 6E-8) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)

§13-276-9 Penalty. Non-compliance with the provisions and procedures established by this chapter shall result in a directive to the person not to proceed with project ground alteration, a denial or revocation of SHPD written concurrence or agreement, and shall also be penalized as provided in section 6E-11, HRS, and applicable laws. [Eff:

] (Auth: HRS §§6E-3, 6E-7, 6E-8) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8)